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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,090	08/03/2001	Dominic Cheung	9623/340	9152
757	7590	12/23/2003	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611			TRUONG, CAM Y T	
		ART UNIT	PAPER NUMBER	
		2172	12	
DATE MAILED: 12/23/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/922,090	CHEUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cam Y T Truong	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 120 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.  
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
     a) The translation of the foreign language provisional application has been received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6_11</u> .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. Claims 1-20 are pending in this Office Action.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-9, 14-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Mann et al (or hereinafter "Mann") (USP 6119096).

As to claim 1, Davis teaches the claimed limitation:

"receiving a search request have at least one search term over a network from a searcher" as each time an advertiser places a bid or a search enters a search query, the system generates a search result list (fig. 1, col. 13, lines 10-15);

"retrieving a set of search listings from a search results database associated with the search term" as generating a search result list to an advertiser after entering search query (col. 13, lines 10-16);

"where a plurality of the search listings each have a bid amount associated the search term" as a plurality of the search listings each have a bid

amount such as 0.01, 0.10, 0.13 associated with car, auto and automobile (fig. 9);

"the search listing is associated with an advertiser's account such that the advertiser's account is charged the bid amount if the search listing is selected from the search list" as a search list is associated with an advertiser's account. The advertiser's account is deducted for each time the advertiser 's web site is if the advertiser's list appears in search result list (col. 14, lines 5-10; 9, lines 45-50);

"determining an account balance for the advertiser's accounts where the account balance is the difference between charges assessed by the search engine and deposits from respective advertisers" as an advertiser's account comprises money amount that is deducted for each time a advertiser's web site is accessed. The account record 300 contains billing information 320 e.g., current balance, credit card information. The billing information contains data accessed when the advertiser selects the option to add money to the advertiser's account. In addition, certain billing information, such as the current balance, may trigger events requiring notification option. The audit trail section of an account contains a list of all events, wherein the account record is accessed by search engine. The above information shows that the system determines an account balance based on the difference between charges and deposits from advertisers (col. 9, lines 45-50; col. 12, lines 5-15);

"providing the ordered search list to the searcher via the network" displaying a ranked search result list to a user via network (fig. 9):

"and assessing charges to the advertiser's account as a function of the searcher selection of the search listing" as deducting the advertiser's account for each time the advertiser's web site is accessed. Each time an advertiser places a bid or a search query, the rank value of an advertiser's search listing determines the placement location of the advertiser's entry in the search result listing generated. The above information means a function of the search selection of the search listing (col. 13, lines 10-15; col. 9, lines 45-50);

"ordering the search listing into a search result list in accordance with the values of bids amounts such that larger bid amounts are listed before smaller bid amounts" as the process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount (col. 18, lines 10-15).

Davis does not explicitly teach the claimed limitation "wherein search listing associated with advertiser's account balance that are below a threshold are ordered as if their bid amount for the search term was zero". Davis teaches, the advertiser may receive a warning to replenish the account before the account suspended (meaning the advertiser's listings will no longer appear in search result list) (col. 14, lines 5-10). Mann teaches that the system may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold i.e, when balance drops to zero (col. 10, lines 45-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of the system may be

particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops zero to Davis' system in order to provide a balance against which the user can charge purchase, fares, minimum balance and eliminate an over draft.

As to claim 2, Davis teaches the claimed limitation "determining a reconciled balance for an advertiser's account via an accounting system, where the reconciled balance is the difference between credit card-based deposits and a set of current click charges" as (col. 5, lines 18-35).

Davis does not explicitly teach the claimed limitation "and ordering comprises ordering the search listings associated with advertisers with reconciled balances that are below a reconciled threshold as if their bid amount for the search term was zero". Davis does not explicitly teach the claimed limitation "wherein search listing associated with advertiser's account balance that are below a threshold are ordered as if their bid amount for the search term was zero". Davis teaches, the advertiser may receive a warning to replenish the account before the account suspended (meaning the advertiser's listings will no longer appear in search result list) (col. 14, lines 5-10). Mann teaches that the system may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold i.e., when balance drops to zero (col. 10, lines 45-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of the system may be

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particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops zero to Davis' system in order eliminate an over draft.

As to claim 3, Davis teaches the claimed limitation "determining a definitive balance for an advertiser's account, where the definitive balance is the reconciled balance adjusted for charges and deposits after those included in the reconciled balance" as the account record 300 contains billing information 320 e.g., current balance, credit card information, adding money to the advertiser's account. When the advertiser indicates the intent to allocate, a function is invoked by the system to determine whether there are funds pending in the current balance. An account instance is created and a pending current balance field is set from the persistent state. If there are no unallocated pending funds, the system may display the current available balance (col. 16, lines 1-55; col. 15, 35-45).

As to claim 4, Davis teaches claimed limitation "wherein the definitive balance is the reconciled balance less any new definitive click charges plus any new credit card charges and plus any new adjustments" as adding money transaction is displayed, showing a transaction number and a new current balance, reflecting the amount added by the just-completed credit card transaction (col. 15, lines 50-55).

As to claim 7, Davis does not explicitly teach the claimed limitation "determining a working balance for an advertiser's account, where the working balance is the definitive balance adjusted for any new non-definitive click charges" as the advertiser's listing is a paid listing. Each paid listing displays a cost to advertiser which is an amount corresponding to a price-per-click paid by the advertiser for each referral to the advertiser's site through the search result list. The amount bid by an advertiser comprises a money amount that is deducted from the account of the advertiser for each time the advertiser's web site is accessed via a hyperlink on the search list page. The search result list also includes non-paid listings that are not placed as a result of advertiser bids are generated by a conventional WWW search engine. This information implies that the system has included non-click charges (col. 9, lines 45-50; col. 10, lines 1-35).

As to claim 8, Davis does not explicitly teach the claimed limitation "the threshold is zero dollars". Mann teaches his balance drops below a defined threshold i.e., when balance drops to zero (col. 10, lines 45-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of his balance drops zero to Davis' system in order to eliminate an over draft.

As to claim 9, Davis teaches the claimed limitation "wherein the definitive click charges are click charges that have passed a fraud filter" as an amount

corresponding to a price per click and search result includes non-paid listing.

This information means that the system has included a filter to can charge click and eliminate non-paid listing (col. 10, line 1-35).

As to claim 14, Davis teaches the claimed limitations:

"a search results database having a plurality of search listings, wherein each search listing is associated with a network location" as search result list is generated by as search engine having search lists via network (col. 12, lines 24-45);

"at least one search term and a modifiable bid amount that is independent of other components of the search listings, the bid amount being associated with at least one of the search term" as each search list corresponds to a bid on a search term (col. 12, lines 25-40), "and network location" as organize bids for multiple web sites (col. 12, line 30-35), "the bid amount corresponding to a money amount that is deducted from an account of a network information provider associated with the network location upon receipt of a retrieval request for the network location" as the amount bid by an advertiser comprises a money amount that is deducted from the account of the advertiser for each time the advertiser's website is accessed via a click link on the search result list page (col. 9, lines 45-55);

"an account database that maintains account information associated with search listings" as an account record 300 in the database that maintain an

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account information associated with search list (col. 11, lines 60-67; col. 12, lines 1-20);

"an account monitoring system that monitors the accounts in the account database and determines an account balance for each account" as administrator monitors an advertiser account and determines an account balance for each advertiser' account (col. 11, lines 45-50; col. 12, lines 1-20);

"a search engine that generates an ordered search result list including at least one of the search listings from the search results database" as the search result list is arranged in order of decreasing bid amount, with the search listing corresponding to the highest bids displayed first to the searcher (col. 5, lines 35-40).

Davis does not explicitly teach the claimed limitation "where the ordered search result list is ordered in accordance with the values of the respective bid amounts if the account balance determined by the account monitoring system is above a threshold".

Davis teaches that the advertiser may elect to set a option to have the system send conventional electronic mail messages to the advertiser when the advertiser account balance fallen below a specified level. In this manner, the advertiser may receive a warning to replenish the account before the account suspended (meaning the advertiser's listings will no longer appear in search result list). Each time an advertiser places a bid or a search enters a search query. The process gathers all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount. The

above information shows that the advertiser's listings, which are sorted in order from highest to lowest bid amount, appear in search result list if the advertiser account balance falls above a specified level. This is level is represented as a threshold (col. 14, lines 2-10; col. 13, lines 10-15; col. 18, lines 10-15).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Davis's teaching of sending message if advertiser's account is below a specific level and gathering all search listings that match a particular search term, sorts the search listings in order from highest to lowest bid amount after the advertiser paces a bid or a search query in order to maintain minimum balance, eliminate an over draft and to allow advertiser can monitor their accounts.

As to claim 15, Davis teaches the claimed limitation "wherein the account monitoring system includes an real-time click agent that determines click charges for searchers access to network sites associated the search listing in substantially real-time" as (col. 5, lines 55-67).

As to claim 16, Davis discloses the claimed limitation subject matter in claim 14, except the claimed limitation "wherein the account monitoring system includes an auto-charging agent that automatically charges a credit card account when the account balance is below a second threshold". Mann teaches that the system may be particularly desirable for the rider to arrange for automatic

charges to his credit card or bank account whenever his balance drops below a defined threshold (col. 10, lines 45-50).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of the system may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold to Davis' system in order to provide a balance against which the user can charge purchase, fares.

As to claim 17, Davis discloses the claimed limitation subject matter in claim 14, except the claimed limitation "wherein the account monitoring system includes an auto-charging agent that automatically charges a credit card account on a periodic basis". Mann teaches automatic charges and scans control and accounting computer will process the charges through financial network (col. 10, lines 55-61).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Mann's teaching of automatic charges and scan control and accounting computer will process the charges through financial network to Davis's system in order to eliminate user's interact.

As to claim 19, Davis teaches the claimed limitation "the account monitoring system includes an search listing agent that updates the search results database when an account crosses a threshold and preferential

placement in the search list is terminated for that search listing" as (col. 13, lines 10-20; col. 14, lines 1-20).

As to claim 20, Davis does not explicitly teach the claimed limitation "wherein the account monitoring system includes a bulk adjustment agent that automatically adjusts account balances with a minimum charge when the chargeable event charges are below a threshold". However, Mann teaches that in the case of transit usage, it may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold (col. 10, lines 45-50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Mann's teaching of in the case of transit usage, it may be particularly desirable for the rider to arrange for automatic charges to his credit card or bank account whenever his balance drops below a defined threshold to Davis's system in order to balance account and eliminate bankrupt.

4. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of Mann et al (or hereinafter "Mann") (USP 6119096) and further in view of Pekowski et al (or hereinafter "Pekowski") (USP 6557007).

As to claim 5, Davis discloses the claimed limitation subject matter on claim 1, except the claimed limitation "determining an estimated definitive

balance for an advertiser's account, where the estimated definitive balance is the definitive balance less an estimated amount of new definitive click charges".

Pekowski teaches displaying a count summary balance \$2,369.77 and chargeable balance \$2,369.77 (fig. 34).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Pekowski's teaching of displaying a count summary balance \$2,369.77 and chargeable balance \$2,369.77 to Davis's system in order to allow a user to adjust his account balance.

As to claim 6, Davis teaches claimed limitation "determining a monitoring balance for an advertiser's account" as the system keeps tracks the advertiser's payment history (col. 15, lines 35-40). Davis does not explicitly teach the claimed limitation "where the monitoring balance is smaller of the estimated definitive balance plus a credit limit and a remaining capital amount". Pekowski teaches displaying a count summary balance and chargeable balance (fig. 34).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Pekowski's teaching of displaying a count summary balance and chargeable balance to Davis's system in order to allow a user to adjust his account balance.

5. Claims 10-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (or hereinafter "Davis") (USP 6269361) in view of

Mann et al (or hereinafter "Mann") (USP 6119096) and further in view of Williams et al (or hereinafter "Williams") (USP 5963924).

As to claim 10, Davis discloses the claimed limitation subject matter in claim 9, except the claimed limitation "the fraud filter detects double clicks as non-chargeable clicks". Williams teaches hen the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109). This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen. The above information shows that the system has included a filter to detect that the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of double clicks on payment image to Davis's system in order to eliminate double charge user's clicks.

As to claim 11, Davis discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the fraud filter detects multiple clicks on a search listing in a search list from a searcher as non-chargeable clicks" Williams teaches hen the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109). This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen. The above information shows that the system has included a filter to detect that

the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the user double clicks on payment image to Davis's system in order to prevent hacker or crasher to access user's account.

As to claim 12, Davis discloses the claimed limitation subject matter in claim 10, except the claimed limitation "wherein the fraud filter detects multiple clicks on a search listing from a searcher during a session as non-chargeable clicks". Williams teaches hen the user double clicks on the payment image in the "Select Payment Method" Window. (108) GSO 570 (109) This indicates that the GSO is displayed to the consumer in the "Make Payment Authorization" screen after user enter password or during a session. The above information shows that the system has included a filter to detect that the double clicks to display another payment screen not chargeable clicks (col. 16, lines 40-45; figs. 31-32).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the user double clicks on payment image after user enter user's password to Davis's system in order to eliminate double charge user's clicks and to allow a user pay for each click.

As to claim 13, Davis discloses the claimed limitation subject matter in claim 12, except the claimed limitation "the non-definitive click charges are click charges that have passed a real-time fraud filter and the definitive click charges are click charges that have passed a second fraud filter that uses data generated after a click charge is charged to determine if that click charge is fraudulent". Williams teaches that the system provides for secure transaction and a Make Payment Authorization screen to charge the consumer's order entry whenever consumer shops. Thus, the system has included filters to can determine fraudulent charges (col. 16, lines 40-50; col. 15, lines 55-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the system make a Make Payment Authorization to charge the consumer's order entry whenever consumer shops to Davis's system to avoid unauthorized payments.

As to claim 18, Davis discloses the claimed limitation subject matter in claim 14, except the claimed limitation "the account monitoring system includes a CTP agent that accesses a fraud detection system to determine if any click charges are non-chargeable because the clicks associated with the click charges were fraudulent". However, Williams teaches that the system make a Make Payment Authorization to charge the consumer's order entry whenever consumer shops. Thus, the system can determine fraudulent charges (col. 16, lines 40-50; col. 15, lines 55-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Williams's teaching of the system make a Make Payment Authorization to charge the consumer's order entry whenever consumer shops to Davis's system to protect user's account balance and avoid unauthorized payments.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adam et al (US 2002/0069156).

### **Contact Information**

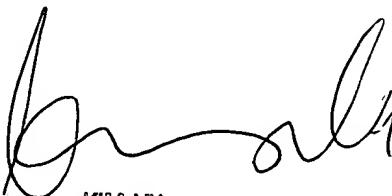
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703 -605-1169). The examiner can normally be reached on Mon - Fri from 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on (703-305-4393). The fax phone number for organization where this application or proceeding is assigned is (703-308-9051).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Cam-Y Truong

12/11/03



KIM VU  
SUPPLY/TECHNICAL PATENT EXAMINER  
TECHNOLOGY CENTER 2100